

- U.S. Application No. 10/541,479  
Amendment dated December 30, 2008  
Response to Office Action dated September 30, 2008

## REMARKS

Claims 1-5, 7, 10-16, 18, and 21-24 are pending in this application.

Applicant has amended claims 1, 2, 7, 11-13, 18, and 22-24, and has canceled claims 6, 8, 9, 17, 19, and 20. In addition, Applicant has made minor changes to the specification. These changes do not introduce any new matter.

### Claim Objections

In response to the objection to claims 1, 11, 12, and 22-24, Applicant has amended these claims to correct the informalities noted by the Examiner. Accordingly, Applicant requests that the objection to claims 1, 11, 12, and 22-24 be withdrawn.

### Rejections Under 35 U.S.C. § 101

Applicant respectfully requests reconsideration of the rejection of claims 1-10 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (as noted above, claims 6, 8, and 9 have been canceled). Applicant has amended independent claim 1 to specify that each module in the image generating device is executed by an integrated circuit. Accordingly, Applicant submits that claims 1-5, 7, and 10 now define statutory subject matter under 35 U.S.C. § 101, and requests that the rejection of these claims thereunder be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 23 and 24 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicant has amended the specification to remove the reference to a data signal embodied in a carrier wave. Accordingly, Applicant requests that the rejection of claims 23 and 24 under 35 U.S.C. § 101 be withdrawn.

### Rejection Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 1-8, 11-19, 22, and 23 under 35 U.S.C. § 102(b) as being anticipated by *Peleg et al.* (“*Peleg*”) (WO 98/02844) (as noted above, claims 6, 8, 17, and 19 have been canceled) (although not listed in

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the statement of the rejection (see Paragraph 10 of the Office Action), Applicant has assumed that claim 24 is intended to be included in this anticipation rejection). As will be explained in more detail below, the *Peleg* reference does not disclose each and every feature of independent claims 1, 11, 12, and 22-24, as amended herein.

Applicant has amended independent claim 1 to specify that 1) the comparing module calculates a relative image shift amount between the comparison reference frame image area and the target frame image area, 2) the excluding module excludes the target frame image area from the object frame image areas for synthesis if the relative image shift amount is less than a predetermined value, and 3) that the synthesized image generating module synthesizes the reference frame image area and the object frame image areas for synthesis to create a synthesized image area of a still image that has a higher resolution than the frame images. Support for the changes made to claim 1 can be found in Applicant's specification at, for example, page 20, line 20 through page 22, line 20.

The *Peleg* reference discloses a method and apparatus for mosaic image construction. The *Peleg* reference teaches that an image is excluded if the image shift amount is too large, but does not teach (or suggest) that an image is excluded if the image shift amount is *less* than a predetermined threshold value, as specified in present claim 1. Thus, for at least this reason, the *Peleg* reference does not disclose each and every feature of the subject matter defined in present claim 1.

Applicant has amended each of independent claims 11, 12, and 22-24 along the same lines that claim 1 has been amended. As such, the arguments set forth above regarding present claim 1 also apply to present claims 11, 12, and 22-24.

Accordingly, independent claims 1, 11, 12, and 22-24, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Peleg*. Claims 2-5 and 7, each of which ultimately depends from claim 1, and claims 13-16 and 18, each of which ultimately depends from claim

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12, are likewise patentable under 35 U.S.C. § 102(b) over *Peleg* for at least the same reasons set forth above with regard to the applicable independent claim.

Rejection Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Peleg* as applied against claims 1 and 12, and further in view of *Szeliski et al.* (“*Szeliski*”) (US 5,987,164) (as noted above, claims 9 and 20 have been canceled). Claim 10 depends from claim 1, and claim 21 depends from claim 12. The *Szeliski* reference does not cure the above-discussed deficiencies of the *Peleg* reference relative to the subject matter defined in present claims 1 and 12.

Accordingly, claims 10 and 21 are patentable under 35 U.S.C. § 103(a) over the combination of *Peleg* in view of *Szeliski* for at least the reason that each of these claims depends from either claim 1 or claim 12.

Conclusion

Applicant respectfully requests reexamination and reconsideration of claims 1-5, 7, 10-16, 18, and 21-24, as amended herein, and submits that these claims are in condition for allowance. Accordingly, issuance of a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP137).

Respectfully submitted,  
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